

Application No. 10/634,585
Amendment Dated February 17, 2005
Reply to Office Action of February 3, 2005

REMARKS

Applicants acknowledge receipt of the Office Action dated February 3, 2004. In that action the Examiner entered a restriction requirement as to Group I (claims 1-9 and 29) and Group II (claims 27-28 and 30-41).

With this Office Action Response, Applicants withdraw claims 27-28 and 30-41 (in response to the restriction requirement), and amend claims 3, 5-10 and 30-31.

I. RESTRICTION REQUIREMENT

Applicants hereby elect to prosecute the group designated by the Examiner as Group I (claims 1-9 and 29). Although not specifically designated as Group I claims, the Office action further indicates that if Group I is elected, claims 10-26 will be examined with the Group I claims. This election is without traverse as to claims 27, 28 and 32-41; however, Applicants respectfully traverse the restriction with respect to claims 30 and 31. The Manual of Patent Examining Procedures (MPEP) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

(MPEP, Section 803). Applicants respectfully submit that there will be no additional burden on the Examiner to examine claims 30 and 31. For example, claim 3 (in Group I) requires:

The method as defined in claim 2 wherein the selectively tuning step further comprises controlling an amount of capacitance coupled to the transmitting antenna.

Similarly, Group II claim 30, which depends directly from claim 29 (of Group I), specifically requires:

The method as defined in claim 29 wherein the tuning the second antenna step further comprises controlling an amount of capacitance coupled to the second antenna.

Thus, the Examiner, in examining Group I, must search for art that teaches "controlling an amount of capacitance." This search, by its very nature, overlaps with the search that may be required with respect to claim 30 of Group II.

Likewise, claim 6 (in Group I) requires:

The method as defined in claim 2 wherein the selectively tuning step further comprises controlling inductance of the winding antenna.

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Similarly, Group II claim 31, which depends directly from claim 29 (of Group I), specifically ~~requires~~ requires:

The method as defined in claim 29 wherein the tuning the second antenna step further comprises controlling inductance of the second transmitting antenna.

Thus, the Examiner, in examining Group I, must search for art that teaches controlling inductance of an antenna. This search, by its very nature, overlaps with the search that may be required with respect to claim 31 of Group II.

Based on the foregoing, Applicants respectfully submit that claims 30 and 31 should be examined along with the Group I claims, and thus the restriction requirement as to these claims withdrawn.

II. CLAIM AMENDMENTS

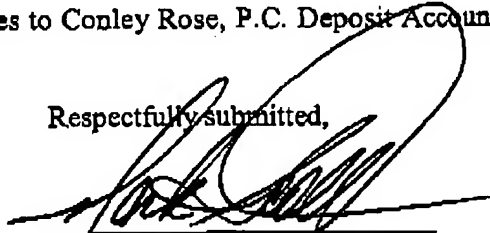
With this Response, Applicants amend claim 10 to remove the "adapted" terminology. Further, Applicants amend claims 3, 5-9 and 30-31 to remove the "step" terminology, to ensure that these claims are not interpreted as step-plus-function claims under 35 U.S.C. §112, paragraph 6. These amendments are not made to define over any prior art, and are not a narrowing amendment.

III. CONCLUSION

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,



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